



2030

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 84 15

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
David MARTINEZ-Brito,  
  
Defendant.

Magistrate Case No.:  
  
COMPLAINT FOR VIOLATION OF  
  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about May 12, 2008, within the Southern District of California, defendant David MARTINEZ-Brito, did knowingly and intentionally import approximately 25.39 kilograms (55.86 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Hugo A. Leon  
Hugo A. Leon, Special Agent  
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, MAY 13, 2008.

Peter C. Lewis  
Peter C. Lewis  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.  
David MARTINEZ-Brito

3 STATEMENT OF FACTS

4 This complaint is based on the personal observations, investigation, and information  
5 furnished to U. S. Immigration and Customs Enforcement Special Agent Hugo A. Leon.

6 On May 12, 2008, at approximately 1432 hours, David MARTINEZ Brito, a United  
7 States citizen, entered the United States from Algodones, Mexico at the Andrade, California Port  
8 of Entry. MARTINEZ-Brito was the driver and sole occupant of a brown 1998 Pontiac Trans  
9 Sport minivan not bearing license plates. Customs and Border Protection (CBP) Officer James  
10 Williams was assigned to Vehicle Primary Lane One (1) of the Andrade Port of Entry when  
11 MARTINEZ-Brito approached.  
12

13 CBP Officer Williams received a negative Customs declaration from MARTINEZ-Brito.  
14 CBP Officer Williams referred the Trans Sport and MARTINEZ-Brito to Vehicle Secondary for  
15 further examination.

16 In Vehicle Secondary, Canine Enforcement Officer (CEO) Edmond Renaud utilized his  
17 Human-Narcotic Detector Dog (HNDD). HNDD alerted to the rear floor area of the Trans  
18 Sport. CEO Renaud inspected the Trans Sport and discovered a non-factory compartment above  
19 the gas tank that contained several cellophane-wrapped packages. CEO Renaud probed one of  
20 the packages, producing a green, leafy, organic substance that field-tested positive for the  
21 indication of marijuana. A total of thirty-eight (38) packages were removed from the Trans  
22 Sport. The total weight of the packages was approximately 25.39 kilograms (55.86 pounds).  
23

24 MARTINEZ-Brito was advised of his rights per Miranda and stated to Special Agent  
25 Leon that he understood his rights and was willing to make a statement without an attorney  
26 present. MARTINEZ-Brito admitted to knowledge of the marijuana found and admitted that he  
27 was to be paid \$1,200.00 if successful in smuggling the marijuana into the United States.  
28 MARTINEZ-Brito also stated that he was previously apprehended and convicted for smuggling  
29 marijuana through the San Luis, Arizona Port of Entry.